

REMARKS

The applicants have carefully considered the official action of August 8, 2007, and the references cited therein. By way of this response, claims 21, 22, 24, 25, 27, 29, and 32 have been amended; claims 23, 26, 28, 30, and 31 have been cancelled; and claims 33-42 have been added. In view of the foregoing amendments and following remarks, the applicants respectfully request favorable consideration of this application.

As an initial matter, the claims have been amended to remove the “step” language to make it clear that none of the pending claims are written in step-plus-function format. Further, the preambles of the dependent claims have been amended for clarity.

In the official action, claims 21-26 were rejected under 35 U.S.C. §102(e) as anticipated by Mannering et al. (U.S. Patent No. 6,137,839). As amended, independent claim 21 recites a plurality of digital filters to convey a signal via an available frequency band associated with multiple independent channels. Mannering et al. do not describe or suggest one or more digital filters. The applicants refer the examiner to the prosecution history of the parent application (U.S. Serial No. 09/251,097) of this application. There, in the office action dated October 10, 2002, the examiner stated that Mannering et al. fail to describe a digital filter. *See*, the official action dated October 10, 2002, page 5.

Further, the applicants note that the examiner included Gerszberg et al. (U.S. Patent No. 6,307,839) in the Notice of References Cited in the official action, as well as in the above-referenced official action of the parent application as a description of digital filters. However, the digital filters described by Gerszberg et al. “separate the voice signals from the digital data signals.” *See*, col. 9, lines 16-20. In contrast, the digital filters of the present claims are used to convey a signal via an available frequency band.

Accordingly, Mannering cannot anticipate independent claim 21 or any claim dependent thereon. Additionally, Gerszberg cannot be combined with Mannering to teach or suggest the recitations of the pending claims. Thus, the applicants submit that claims 21, 22, 24, 25 and 38-40 are in condition for allowance.

Similarly, independent claims 27 and 29 have been amended to recite digital filter systems to convey a signal via an available frequency band. As described above, none of the cited can anticipate or render obvious such claims. Further, the applicants respectfully submit that the obviousness-type double patenting rejection has been obviated by the foregoing amendments.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application to Deposit Account No. 50-2455.

Respectfully submitted,

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